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12 Attorneys for Kate Doe, a creditor

13 UNITED STATES BANKRUPTCY COURT

14 NORTHERN DISTRICT OF CALIFORNIA
15 (San Jose Division)

16 In re:

Case No.: 20-50454 MEH 13
Chapter 13

17 GREGORY R. DOUGALD, an individual

18 Debtor.

19 Kate Doe, an individual
20 Plaintiff,

21 v.

22 Gregory R. Dougald, an individual,
23 Defendant

**COMPLAINT TO EXEMPT
DEBT FROM DISCHARGE
BASED UPON WILFUL AND
MALICIOUS CONDUCT
PURSUANT TO BANKRUPTCY
CODE SECTION 523(A)(6).**

24 Plaintiff Kate Doe hereby complains of Defendant Gregory R. Dougald, an individual, for
25 the following claim of relief under Bankruptcy Code Section 523(a)(6), based upon willful and
26 malicious conduct arising out of a sexual assault, which is now the subject of "no contest," plea of a
27 felony in the prosecution thereof before the Superior Court, County of Santa Clara, State of
28 California as follows:

JURISDICTION OF THIS COURT

1. This is an adversary proceeding in which Plaintiffs are asking for a determination of
dischargeability pursuant to sections 523(a)(6) of Title 11 of the United States Code.

2. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334.
This is a core proceeding under 28 U.S.C. § 157(b)(2)(I).

3. The Debtor filed his petition under Chapter 13 of the United States Bankruptcy Code on March 6, 2020, and Devin Derham-Burk, is a duly appointed Chapter 13 Trustee herein. The date of the first meet of creditors is April 20, 2020.

4. Defendant is a resident of this judicial district, with an address of 6217 Cahalan Ave., San Jose, CA 95123-4505.

5. No discharge has been entered herein.

CHARGING ALLEGATIONS

6. Plaintiff hereby incorporates all prior allegations herein as fully set forth.

7. Over a period of years and while the Plaintiff was a minor, Defendant engaged in numerous acts of sexual assault upon the Plaintiff, all of which is more particularly described in the attached declaration, marked ***Exhibit "A"*** and incorporated by reference.

8. The conduct undertaken by the Defendant was willful and malicious as defined under Bankruptcy Code Section 523(a)(6) which conduct was undertaken by the Defendant for the purpose of inflicting injury, pain and damage upon the Plaintiff and was done so maliciously with the subjective intent to cause pain, grief, hardship and injury without any just cause or reason.

9. As a result of this conduct, the District Attorney for the County of Santa Clara filed a criminal action entitled *The People of the State of California v. Gregory R. Dougald*, case # B1901192. In the course of these proceedings, the Defendant pled guilty to a no contest plea, to a felony therein. A copy of the Declaration of Todd Emanuel and the deposition transcript thereof is attached hereto, marked ***Exhibit "B"*** and incorporated by reference.

10. Plaintiff is entitled to a civil judgment arising out of a restitution and sentencing proceeding pursuant to Penal Code Section 1214(b) and the filing prosecution of a civil action filed in the Superior Court, County of Santa Clara, State of California, entitled *Kate Doe v. Gregory R. Dougald*, case #19CV357830 and any other relief as otherwise may be allowed by law.

11. Plaintiff therefore seeks an order and judgment from this Court that the indebtedness, claims, rights of recovery, injury, harm, damages and the like perpetrated by the Defendant upon the Plaintiff, and all as more particularly described in ***Exhibit "A"*** and likewise as described in the civil complaint which is part of the Todd Emanuel Declaration in ***Exhibit "B"*** and all other rights and remedies that arise therefrom, be and the same be declared as a non dischargeable debt under Bankruptcy Code Section 523(a)(6), and that the debt be deemed immune and free of any claim of a discharge, and that Plaintiff be entitled to prosecute to the full extent

1 allowed by law all of her civil rights and remedies as described herein, otherwise allowed
2 thereunder. Plaintiff seeks a judgment of non dischargeability for the claims and damages herein
3 under Bankruptcy Code Section 523(a)(6). Wherefore, Plaintiff prays for judgment as follows:

4 1. That this Court declare, hold, and decree that the indebtedness, claims, rights of
5 recovery, claim of injury or harm, the sexual assaults perpetrated by the Defendants all as more
6 particularly described as *Exhibit "A"* and all rights and remedies described in *Exhibit "B"* be and
7 the same is declared non dischargeable under Bankruptcy Code Section 523(a)(6).

8 2. That this Court based upon the non dischargeability finding herein permit the
9 Plaintiff to pursue all of her rights and remedies allowed by law, including, but not limited to,
10 seeking a civil judgment arising out of the restitution hearing and sentencing of the Defendant under
11 Penal Code Section 1214(b), and the prosecution up to and through judgment or an appeal of the
12 civil action pending in the Superior Court, County of Santa Clara, State of California or any other
13 venue or jurisdiction thereunder.

14 3. For cost of suit and reasonable attorney's fee.

15 4. For such other and further relief as the Court deems proper.

Cook Collection Attorneys, PLC

16 Dated: April 7, 2020

/s/ David J. Cook

Attorney for Attorneys for Kate Doe

Exhibit “A”

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12 Attorneys for
13 KATE DOE, A Creditor

14 UNITED STATES BANKRUPTCY COURT
15
16 NORTHERN DISTRICT OF CALIFORNIA
17 (San Jose Division)

18 IN RE:

Case No.: 20-50454 MEH 13

19 GREGORY R. DOUGALD, an Individual

Chapter 13

20 Debtor.

21 DECLARATION OF KATE DOE, A
22 CREDITOR, IN SUPPORT OF MOTION
23 AND MOTION FOR RELIEF OF STAY
24 UNDER BANKRUPTCY CODE 363(d) TO
25 PERMIT KATE DOE TO PROSECUTE HER
26 PENDING CIVIL ACTION AND
27 PROSECUTE HER RESTITUTION RIGHTS
28 UNDER PENAL CODE SECTION 1219(B)

DECLARATION OF KATE DOE IN SUPPORT OF MOTION AND MOTION FOR RELIEF OF STAY UNDER
BANKRUPTCY CODE 363(d) TO PERMIT KATE DOE TO PROSECUTE HER PENDING CIVIL ACTION
AND PROSECUTE HER RESTITUTION RIGHTS UNDER PENAL CODE SECTION 1219(B)

1
2 I, KATE DOE, hereby declare as follows:

3 1. I am the victim of sexual abuse.

4 2. Debtor Gregory Dougald sexually abused me in 2011 when I was 13 years
5 old. At the time he did so, he was married to my step-mother and living with us at our
6 residence.

7 3. Debtor Gregory Dougald sexually abused me by, among other things, making
8 me touch his penis, fondling my breasts when I was in bed, and rubbing my vagina. He
9 told me these activities were normal.

10 4. I ultimately reported the matter to the police and Gregory Dougald was
11 arrested and prosecuted by the Santa Clara County District Attorney's Office in *People vs.*
12 *Gregory Dougald*, Santa Clara County Superior Court Case No. B1901192. I am informed
13 and believe that he pled "no contest" to two felony violations of Penal Code Section 288(a),
14 Lewd and Lascivious Act on a Child Under 14, in connection with his sexual abuse toward
15 me.

16 5. Mr. Dougald has not yet been formally sentenced or ordered to pay victim
17 restitution. I advised the Santa Clara County Probation Department that I want restitution
18 for counseling I have had to try to process the trauma caused by this abuse. When I
19 contacted the probation department to seek restitution, I was unaware that I am also
20 entitled to restitution for the cost of future counseling, pain and suffering, and emotional
21 distress, and I am entitled to compensation for attorney fees. I am informed and believe
22 that my attorney, Todd Emanuel, is retaining a psychiatrist, Dr. Margo Leahy, MD, to
23 conduct a psychiatric evaluation and to write a report for the probation department and the
24 sentencing judge that includes the estimated cost of reasonable and necessary
25 psychological/psychiatric treatment I still need in the future as a result of the sexual abuse.

26 6. I am still constantly haunted by Mr. Dougald's disgusting actions toward me.
27 He exploited me and betrayed me. I still feel anger, sadness, anxiety, shame, and
28 humiliation. I still have nightmares and relive the traumatic events in my mind. I am still

DECLARATION OF KATE DOE IN SUPPORT OF MOTION AND MOTION FOR RELIEF OF STAY UNDER
BANKRUPTCY CODE 363(d) TO PERMIT KATE DOE TO PROSECUTE HER PENDING CIVIL ACTION
AND PROSECUTE HER RESTITUTION RIGHTS UNDER PENAL CODE SECTION 1219(B)

1 significantly impacted by Mr. Dougald's sexual abuse toward me. I need further help, and I
2 deserve the full measure of justice and compensation that is available in the form of victim
3 restitution and a collectible civil judgment. I still have to live with this nightmare.

4 7. I engaged my attorney, Todd Emanuel, to file a civil action in the Santa Clara
5 County Superior Court entitled *Kate Doe v Gregory Dougald*, Case number 19CV357830.
6 A copy of the civil complaint is attached hereto, marked *Exhibit "A"* and incorporated by
7 reference. My civil complaint seeks both compensatory and punitive damages, as well as a
8 request for attorney fees.

9 8. Debtor Gregory Dougald should not be permitted to escape personal and
10 financial responsibility under the bankruptcy laws in order to escape payment of victim
11 restitution and civil justice to which I am entitled. His acts toward me were malicious and
12 oppressive and I deserve to obtain all appropriate legal remedies.

13 9. Debtor Gregory Dougald destroyed my self-esteem and sense of worth. As
14 part of the long journey of healing in front of me, I want whatever justice that courts would
15 afford me.

16
17 I hereby declare under penalty of perjury that the foregoing is true and correct
18 pursuant to the law of the United States of America that the foregoing is true and correct on
19 this date of April 15, 2020, at Vista, California.

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22 By: 
23 KATE DOE, Declarant

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**DECLARATION OF KATE DOE IN SUPPORT OF MOTION AND MOTION FOR RELIEF OF STAY UNDER
BANKRUPTCY CODE 363(d) TO PERMIT KATE DOE TO PROSECUTE HER PENDING CIVIL ACTION
AND PROSECUTE HER RESTITUTION RIGHTS UNDER PENAL CODE SECTION 1219(B)**

Exhibit “B”

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13 KATE DOE, A Creditor

14 UNITED STATES BANKRUPTCY COURT
15
16 NORTHERN DISTRICT OF CALIFORNIA
17 (San Jose Division)

18 IN RE:

Case No.: 20-50454 MEH 13

19 GREGORY R. DOUGALD, an Individual

Chapter 13

20 Debtor.

21
22 DECLARATION OF TODD EMANUEL,
23 ESQ. IN SUPPORT OF MOTION AND
24 MOTION FOR RELIEF OF STAY UNDER
25 BANKRUPTCY CODE SECTION 362(d) TO
26 PERMIT KATE DOE TO PROSECUTE HER
27 PENDING CIVIL ACTION AND
28 PROSECUTE HER RESTITUTION RIGHTS
UNDER PENAL CODE SECTION 1219(B)

1 I, Todd Emanuel hereby declare, and state as follows:

2 1. I am an attorney licensed in the State of California, and I represent Ms. Kate
3 Doe, in the civil proceedings as discussed below and am familiar with the facts and
4 circumstances herein.

5 2. I began my legal career in 1994 as a prosecutor in the San Mateo County
6 District Attorney's Office. In 1996 I started a law firm with a practice consisting of both
7 criminal defense and personal injury litigation. Since approximately 2007 my firm has been

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DECLARATION OF TODD EMANUEL, ESQ. IN SUPPORT OF MOTION AND MOTION FOR RELIEF OF
STAY UNDER BANKRUPTCY CODE SECTION 362(d) TO PERMIT KATE DOE TO PROSECUTE HER
PENDING CIVIL ACTION AND PROSECUTE HER RESTITUTION RIGHTS UNDER PENAL CODE
SECTION 1219(B)

1 fully devoted to cases involving personal injury and wrongful death. I have personally
2 handled dozens of cases arising out of sexual assault, sexual battery, childhood sexual
3 abuse, domestic violence, and other violent matter. I have tried dozens jury trials and have
4 participated in many crime victim restitution hearings.

5 3. I was engaged by Ms. Doe to file a civil action which I undertook by filing a
6 civil complaint in the Santa Clara County Superior Court case number 19CV357830 , a
7 copy of which is attached hereto, marked *Exhibit "A"* and incorporated by reference.

8 4. In the civil proceeding I took the deposition of the defendant, Mr. Dougald,
9 who admitted to the crimes and admitted that he plead no contest to two felony counts of
10 California Penal Code Section 288(a), lewd or lascivious acts with a child under 14 years of
11 age. The relevant portions of the deposition are attached hereto, marked *Exhibit "B"* and
12 incorporated by reference. The defendant's criminal case is entitled *People of the State of*
13 *California vs. Gregory Ross Dougald*, Santa Clara County Superior Court Case No.
14 B1901192.

15 5. I have been informed that a Debtor to qualify for a Chapter 13 must owe less
16 than \$419,275.00 for unsecured debt. In this case, at a minimum based upon the scope
17 and nature of the damages and losses sustained by Ms. Doe and the fact of a no contest
18 plea that the restitution award would probably exceed the sum of not less than
19 \$750,000.00. Declarant believes that the civil judgment would probably exceed the sum of
20 \$1,500,000.00. These are good faith estimates based upon Declarants experience in
21 litigating cases of sexual assault. The subject case is especially serious because the
22 defendant held a position of trust as the perpetrator was living in the victim's household.
23 The perpetrator groomed the victim, and he molested her on multiple occasions. [Between
24 the time of the filing of this motion and the date of hearing the unsecured debt limit might be
25 increased.

26 6. Victims of sexual assault are permitted to appear at the sentencing and
27 restitution hearings to make a victim impact statement. The victim's input is important for
28

1 the court's determination of both sentencing and restitution. It is fundamental to a victim's
2 rights that she be able to seek victim restitution and civil justice.

3 7. In this case, the defendant's conduct was particularly malicious and
4 oppressive. Kate Doe should not be prevented from seeking the full measure of her
5 damages as a result of emotional injuries that are severe and permanent.

6
7 I declare under penalty of perjury, under the laws of the United States that the
8 foregoing is true and correct. Executed on the 15th day of April, 2020 at San Mateo,
9 California.

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12 By: 

13 Todd P. Emanuel, Esq.
14 Declarant, Attorney for Kate Doe
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Exhibit "A"

ATTORNEY FOR (Name):

Reviewed By: Patricia Hernandez

DEFENDANT: GREGORY DOUGALD

PUNITIVE

from unlimited to limited

19CV357830

- (5) ☐ other (specify):

Form Approved for Optional Use
Judicial Council of California
PL 0-001 (Rev. January 1, 2007)

CEB
est. 1974

Essential Forms

Code of Civil Procedure, § 42.12
www.courts.ca.gov

SHORT TITLE:
DOE v. DOUGALD

CASE NUMBER:

4. ☐ Plaintiff (name):

is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

a. ☐ except defendant (name):

- (1) ☐ a business organization, form unknown
(2) ☐ a corporation
(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):

c. ☐ except defendant (name):

- (1) ☐ a business organization, form unknown
(2) ☐ a corporation
(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):

b. ☐ except defendant (name):

- (1) ☐ a business organization, form unknown
(2) ☐ a corporation
(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):

d. ☐ except defendant (name):

- (1) ☐ a business organization, form unknown
(2) ☐ a corporation
(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):

☐ Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

a. ☒ Doe defendants (specify Doe numbers): 1 TO 20 were the agents or employees of other named defendants and acted within the scope of that agency or employment.

b. ☒ Doe defendants (specify Doe numbers): 1 TO 20 are persons whose capacities are unknown to plaintiff.

7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

a. ☒ at least one defendant now resides in its jurisdictional area.

b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.

c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.

d. ☐ other (specify):

9. ☐ Plaintiff is required to comply with a claims statute, and

a. ☐ has complied with applicable claims statutes, or

b. ☐ is excused from complying because (specify):

SHORT TITLE:
DOE v. DOUGALD

CASE NUMBER:

10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. ☐ Motor Vehicle
- b. ☐ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☐ Premises Liability

f. ☒ Other (specify):

SEXUAL BATTERY (CIV CODE 1708.5)
INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS
GENDER VIOLENCE (CIV CODE 52.4)

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☒ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☐ property damage
- f. ☒ loss of earning capacity
- g. ☐ other damage (specify):

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☒ punitive damages

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: October 31, 2019

TODD P. EMANUEL
(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

PLD-PI-001 (Rev. January 1, 2007)

COMPLAINT-Personal Injury, Property
Damage, Wrongful Death

Page 3 of 3

CEB Essential
eForms

Case: 20-50454

Doc# 14-2

Filed: 04/16/20

Entered: 04/16/20 16:44:07

Page 7 of

Case: 20-50454

Doc# 14-3

Filed: 04/17/20

Entered: 04/17/20 15:10:43

Page 7 of

Page 4

**FIRST CAUSE OF ACTION
SEXUAL BATTERY [CIV CODE 1708.5]**

Plaintiff hereby incorporates by reference all preceding paragraphs contained in pages 1 through 3 of her complaint.

At all relevant times herein, Defendant GREGORY DOUGALD was plaintiff's stepfather. Plaintiff is named in this lawsuit under a pseudonym to protect her privacy as a victim of child sexual abuse. Plaintiff first met defendant GREGORY DOUGALD around 2001. Defendant GREGORY DOUGALD sexually abused plaintiff on a regular basis in 2011 when she was in eighth grade and continued until shortly before plaintiff began high school. During this time period, plaintiff was a 13-year-old minor and she did not have the legal capacity to consent to any sexual contact with defendant GREGORY DOUGALD.

While plaintiff was a minor, defendant GREGORY DOUGALD harmed plaintiff physically and emotionally by committing the following acts toward her: Groping and fondling her bare breasts, vagina and buttocks; shaving his testicles in front of her; forcing her to watch pornographic videos while he masturbated; using a vibrator in and around plaintiff's clitoris and vagina; forcing plaintiff to touch his penis; and touching plaintiff's breasts and vagina frequently, including while she was napping or sleeping.

At all relevant times, defendant GREGORY DOUGALD knew that plaintiff was a minor and that the aforementioned sexual abuse was sexually offensive and harmful to plaintiff.

As a result of Defendant GREGORY DOUGALD'S sexual misconduct toward plaintiff, he was formally prosecuted by the Santa Clara County District Attorney in People v. Gregory Ross Dougald, Santa Clara County Superior Court Case No. B1901192 and was duly convicted of one or more felony sex offenses and will serve a state prison sentence.

As a result of the aforementioned conduct, plaintiff has suffered, and continues to suffer, severe emotional distress.

**SECOND CAUSE OF ACTION
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

Plaintiff hereby incorporates by reference all preceding paragraphs contained in pages 1 through 4 of her complaint.

Plaintiff hereby alleges and claims that defendant GREGORY DOUGALD acted with a willful disregard of plaintiff's rights when he committed the acts complained of herein, intending to cause harmful and offensive contact, and that plaintiff was aware she was being touched and sexually abused in such a harmful and/or offensive manner.

The acts of defendant GREGORY DOUGALD complained of herein constitute despicable conduct carried out with a willful and conscious disregard of the rights and safety of plaintiff and said actions were contemptible, wretched and loathsome such that the actions are looked down upon and despised by ordinary decent people. At all times herein defendant GREGORY DOUGALD was aware of the probable dangerous and catastrophic consequences of their wanton and willful conduct and they willfully and deliberately failed to avoid those consequences even though severe and permanent harm and emotional distress were virtually certain.

Defendant GREGORY DOUGALD's actions amount to oppression and malice which warrant punitive damages pursuant to California Civil Code § 3294.

**THIRD CAUSE OF ACTION
GENDER VIOLENCE [CIV CODE 52.4]**

Plaintiff incorporates herein by reference, as though set forth in full, all preceding pages and paragraphs of this Complaint.

Defendant GREGORY DOUGALD directed his coercive sexual conduct toward KATE M., a minor girl, in large part because of her female gender. Defendant GREGORY DOUGALD targeted KATE M., and learned about her vulnerabilities as her stepfather in order to coerce her into sexual conduct.

As a proximate result of such negligence, carelessness, recklessness and intentional conduct of Defendant GREGORY DOUGALD, KATE M. was harmed. KATE M. experienced extreme pain and suffering, and severe emotional distress, including but not limited to extreme mental suffering, loss of enjoyment of life, grief, anxiety, depression, and humiliation, and betrayal. Plaintiff is informed and believes and thereon alleges that KATE M. will continue to suffer severe emotional distress and extreme mental pain and suffering in the future as a result of the injuries alleged herein.

As a further proximate result of the negligence, carelessness, recklessness and intentional conduct of Defendant GREGORY DOUGALD, KATE M. has been damaged in that she has been required to expend money to incur obligations for medical services, drugs, and sundries reasonably required in the treatment and relief of the injuries alleged according to proof.

The aforementioned conduct of Defendant GREGORY DOUGALD was accomplished intentionally and/or recklessly with conscious disregard for the health, safety, privacy, freedom, and human dignity of KATE M. It was so outrageous in character and so extreme in degree as to go beyond all possible bounds of decency, and should be regarded as despicable, atrocious, and utterly intolerable in a civilized society. The aforementioned conduct of Defendant MESSER was willful, wanton, malicious, oppressive, and outrageous to justify the awarding of exemplary and punitive damages.

Plaintiff seeks attorney's fees and costs pursuant to Civil Code section 52.4.

Page 7

PUNITIVE DAMAGES

Plaintiff incorporates herein by reference, as though set forth in full, all preceding pages and paragraphs of this Complaint.

The aforementioned conduct of Defendant GREGORY DOUGALD was accomplished intentionally and/or recklessly with conscious disregard for the health, safety, privacy, freedom, and human dignity of KATE M. It was so outrageous in character and so extreme in degree as to go beyond all possible bounds of decency, and should be regarded as despicable, atrocious, and utterly intolerable in a civilized society. The aforementioned conduct of Defendant MESSER was willful, wanton, malicious, oppressive, and outrageous to justify the awarding of exemplary and punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant GREGORY DOUGALD as follows:

1. For general damages as alleged in an amount according to proof;
2. For special damages as alleged in an amount according to proof;
3. For prejudgment and statutory interest; and
4. For such other and further relief as the Court may deem proper.
5. For punitive damages according to proof and pursuant to Civil Code sections 3294 and 1708.5;
6. For attorney's fees and costs for sexual battery pursuant to Civil Code section 1708.5;
7. For attorney's fees and costs of suit herein incurred pursuant to Civil Code section 52.4; and
8. For reasonable attorney's fees for defendant's behavior arising out of felony conduct pursuant to Code of Civil Procedure section 1021.4.

DATED: October 31, 2019

EMANUEL LAW GROUP

By: 

TODD P. EMANUEL, ESQ.
Attorney for Plaintiff

Exhibit "B"

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA

KATE DOE,

Plaintiff,

vs.

GREGORY DOUGALD and DOES 1
to 20,

Defendants.

No. 19CV357830

VIDEOTAPED DEPOSITION OF GREGORY DOUGALD,
taken at 411 Borel Avenue, Suite 425, San Mateo,
CA 94402, on Tuesday, January 7, 2020, before SUSAN
F. MAGEE, RPR, CCRR, CLR, CSR No. 11661, in and for
the State of California.

Job: 48745

1 SAN MATEO, CALIFORNIA

2 Tuesday, January 7, 2020, 12:56 p.m.:

3

4 THE VIDEOGRAPHER: Good afternoon. We are
5 on record on January 7th, and the time is 12:56 p.m.

6 My name is Noah Suszckiewicz. I'm the
7 legal videographer, and the court reporter today is
8 Susan Magee, and we are both here representing First
9 Legal Deposition Services in San Mateo, California.
10 Telephone number is (855) 348-4997.

11 This is the beginning of Media Unit 1 for
12 the deposition of Gregory Dougald in the matter of
13 Kate Doe vs. Gregory Dougald. It is being heard
14 before the Superior Court of the State of California
15 in and for the County of Santa Clara. The case
16 number is 19CV357830, and we are located at Emanuel
17 Law Group in San Mateo California.

18 Counsel, would you please identify
19 yourselves for the record.

20 MR. EMANUEL: Todd Emanuel for the
21 plaintiff.

22 MR. SMITH: And Chuck Smith for
23 Mr. Dougald.

24 THE VIDEOGRAPHER: The court reporter will
25 swear in the witness.

1 GREGORY DOUGALD,
2 having been first duly sworn, testifies as follows:
3

4 EXAMINATION BY MR. EMANUEL
5

6 Q. Good morning, Mr. Dougald. I represent the
7 plaintiff in this case. She's named in the
8 complaint as Kate Doe. The name Kate is her real
9 name.

10 Do you know who she is?

11 A. Yes.

12 Q. And I'll represent for the record that the
13 last name Doe is a fictitious name that we've used
14 in this lawsuit to protect her privacy, but you
15 understand exactly who Kate Doe is; correct?

16 A. I do.

17 Q. All right. Have you ever had your
18 deposition taken before?

19 A. No.

20 Q. Have you ever testified under oath before?

21 A. No.

22 Q. Okay. Have you ever been a plaintiff in a
23 lawsuit before?

24 A. No.

25 Q. Have you ever been a defendant in a lawsuit

1 told me that she wanted me to pay for expected
2 counseling going forward for Kate, and I agreed to
3 that, and I paid her 6,500. It's odd that it's
4 transposed with the 5,600 that Kate asked for
5 during -- with the restitution. I can't explain
6 that, but I noted that.

7 Q. Okay. But you don't know in your own mind
8 how much counseling she may actually need?

9 A. I have no -- I've had no -- aside from the
10 e-mail that Kate sent me, I've had no contact with
11 Karen or Kate since 2014. Kate probably since 2012,
12 but Karen's since 2014.

13 Q. Okay. And did you plead no contest or
14 guilty to one felony charge?

15 A. Two.

16 Q. To two?

17 A. No contest.

18 Q. When you pled no contest to those charges
19 before you had pled no contest in open court, you
20 probably signed a plea form; correct?

21 A. I guess I did.

22 Q. And that -- and you signed --

23 A. Well, I had to sign a form, yeah, before I
24 actually stood up and -- yes.

25 Q. And the sign -- and the form you signed

1 contained an understanding of all of your
2 constitutional rights you were giving up and that
3 you were voluntarily and freely pleading no contest;
4 correct?

5 A. Yes, yes.

6 Q. And you understood at the time and you
7 understand now that the no contest plea that you
8 gave to the felony sex offenses involving Kate have
9 the same legal effect as guilty pleas?

10 A. Yes.

11 Q. And can you tell me -- I mean, I suppose I
12 can get this from a public record, but you have been
13 convicted of a felony charge involving lewd and
14 lascivious acts toward Kate Doe when she was under
15 age 14, those acts being sexual acts; correct?

16 A. Correct.

17 Q. And what is your understanding of the other
18 felony conviction?

19 A. They're -- they're both the same. There
20 were two counts, 288(a)s.

21 Q. Okay. So it's the same charge, and the two
22 counts represent maybe two different events?

23 A. I don't know.

24 Q. Okay. What caused you to stop? Why was
25 Incident No. 6 the last incident?

1 CASE NAME: DOE v DOUGALD

2 CASE NO.: Santa Clara County Superior Court Case No. 19CV357830

3 PROOF OF SERVICE

4 I am employed in the City of San Mateo, County of San Mateo, State of California. I
5 am over the age of 18 years and not a party to the within action. My business address is
6 411 Borel Avenue, Suite 425, San Mateo, CA 94402.

7 On the date set forth below, following ordinary business practice, I served a true
8 copy of the foregoing document(s) described as:

9 PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR TRIAL PREFERENCE
10 SETTING; MEMORANDUM OF POINT AND AUTHORITIES; AND DECLARATION OF
11 TODD P. EMANUEL

- 12 ☐ (BY FAX) by transmitting via facsimile the document(s) listed above to the fax
13 number(s) set forth below, or as stated on the attached service list, on this date.
- 14 ☒ (BY MAIL) I caused such envelope(s) with postage thereon fully prepaid to be
15 placed in the United States mail at San Mateo, California.
- 16 ☐ (BY E-MAIL) by transmitting via electronic mail the document(s) listed above to
17 the email address(es) set forth below, or as stated on the attached service list,
18 on this date.
- 19 ☐ (BY OVERNIGHT DELIVERY) I caused such envelope(s) to be delivered to an
20 overnight delivery carrier with delivery fees provided for, addressed to the
21 person(s) on whom it is to be served.
- 22 ☐ (BY PERSONAL SERVICE) I caused such envelope(s) to be delivered by hand
23 to the addressee(s).

24 Charles J. Smith
25 LAW OFFICE OF CHARLES J. SMITH III Attorney for Defendant
26 777 Marshall Street,
27 Redwood City, CA 94063 GREGORY DOUGALD

28 ☒ (State) I declare under penalty of perjury under the laws of the State of
California that the above is true and correct.

Executed on February 11, 2020, in San Mateo, California.


Gisel Martinez Schulman

PROOF OF SERVICE - CASE NO. 19CV357830

1
2
3 **PROOF OF SERVICE**

4 Lars T. Fuller
5 The Fuller Law Firm
6 60 N. Keeble Ave.
7 San Jose, CA 95126-2723

8 Gregory R. Dougald
9 6217 Cahalan Ave.
10 San Jose, CA 95123-4505

11 Devin Derham-Burk
12 P.O. Box 50013
13 San Jose, CA 95150-0013**

14 U.S. Trustee
15 Office of the U.S. Trustee/SJ
16 U.S. Federal Bldg.
17 280 S. 1st St. #268
18 San Jose, CA 95113-3004

19 See all persons on attached list of creditors which are being served by mail [marked Exhibit "A"].

20 I declare:

21 I am employed in the County of San Francisco, California. I am over the age of eighteen
22 (18) years and not a party to the within cause. My business address is 165 Fell Street, San
23 Francisco, CA 94102. On the date set forth below, I served the attached:

24 **COMPLAINT TO EXEMPT DEBT FROM DISCHARGE BASED UPON WILFUL**
25 **AND MALICIOUS CONDUCT PURSUANT TO BANKRUPTCY CODE SECTION**
26 **523(A)(6).**

27 on the above-named person(s) by:

28 XXX Service was by U.S. mail, postage prepaid, first-class, envelope sealed and deposited in
a U.S. mailbox.

I declare under penalty of perjury under the laws of the State of California that the foregoing
is true and correct. Executed on April 21, 2020 at San Francisco, California.

/s/ David J. Cook
DAVID J. COOK

Exhibit “A”

Label Matrix for local noticing
0971-5
Case 20-50454
California Northern Bankruptcy Court
San Jose
Mon Apr 20 14:13:23 PDT 2020

FRANCHISE TAX BOARD
BANKRUPTCY SECTION MS A340
PO BOX 2952
SACRAMENTO CA 95812-2952

JPMorgan Chase Bank, N.A.
s/b/m/t Chase Bank USA, N.A.
c/o Robertson, Anschutz & Schneid, P.L
6409 Congress Avenue, suite 100
Boca Raton, FL 33487-2853

Star One Credit Union
1090 Blossom Hill Rd
San Jose, CA 95123-1103

Lars T. Fuller
The Fuller Law Firm
60 N Keable Ave.
San Jose, CA 95126-2723

U.S. Bankruptcy Court
280 South First Street
Room 3035
San Jose, CA 95113-3099

Franchise Tax Board
PO Box 942867
Sacramento, CA 94267-0001

Kate Do
co Emanuel Law Group
165 Fell St.
San Francisco, CA 94102-5106

Devin Derham-Burk
P.O. Box 50013
San Jose, CA 95150-0013

(p)JPMORGAN CHASE BANK N A
BANKRUPTCY MAIL INTAKE TEAM
700 KANSAS LANE FLOOR 01
MONROE LA 71203-4774

Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101-7346

Office of the U.S. Trustee / SJ
U.S. Federal Bldg.
280 S 1st St. #268
San Jose, CA 95113-3004

Gregory R. Dougald
6217 Cahalan Ave
San Jose, CA 95123-4505

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Chase
PO Box 15298
Wilmington, DE 19850-5298

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

| | | |
|-------------|---------------------|----|
| (u)Kate Doe | End of Label Matrix | |
| | Mailable recipients | 12 |
| | Bypassed recipients | 1 |
| | Total | 13 |